

## FREE SPEECH : WHAT ARE ITS LIMITS?

*Once again, Australians are debating the ways and wherefores of laws to outlaw racial vilification and violence.*

*The Federal Government is preparing legislation which is expected to outlaw expressions of racial hatred in publications and public speech. The Minister for Immigration and Ethnic Affairs, Senator Bolkus, has declared that the right to free speech must be balanced against the right of citizens to live 'free of violence, harassment and persecution'.*

*In order to further the debate, we publish overseas as well as Australian perspectives on the vexed subject of freedom of speech and freedom from vilification.*

## POLITICAL CORRECTNESS: GOOD INTENTION, DISASTROUS CONSEQUENCES

Few people actually believe in freedom of speech. They believe in freedom of speech for themselves, but they tend not to believe in freedom of speech that contravenes their own deeply held beliefs, be they religious, political, sexual, or whatever.

Praise of free speech by others is often insincere. As soon as people start saying what they really think about controversial topics, others will say, "Free speech by all means, but not that free. You want licence, not liberty". Licence here translates as what that person disapproves of - what he or she believes ought not be said or advocated.

Few supporters of 'free speech' mean what they say. Free speech' is rather like 'Habeas Corpus', as soon as it looks like being useful, say in wartime, there are moves to have it suspended or curtailed. It requires considerable courage to defend the rights of individuals and groups to make utterances and to promulgate ideas no matter how unpopular they are or how hurtful of other people's feelings. But if we are committed to critical inquiry it is crucial to protect the speech of those whose ideas and opinions we, or others, regard as vicious, hurtful, cruel, misguided or just plain wrong. This is because the consequences of suppression of such utterances are far worse than the 'hurt' they may inflict.

Freedom of speech and free thought are currently under attack by a new wave of suppression, including what one may loosely call the political correctness movement. This is taking hold in a number of our government departments, statutory authorities, and particularly in our tertiary institutions via, for example, the introduction of speech or language codes to enforce politically correct expression and utterance. There is a corresponding tendency to restrict from critical discussion and open debate certain 'sensitive' issues, relating especially to matters of sex, religious beliefs, race and gender.

When I was a child living in the gruelling, if not ghoulishly petit bourgeois Melbourne suburb of East Brighton, along with most of my confreres I learnt to parrot "Sticks and stones may break my bones, but words can never hurt me".

While sticks and stones can certainly break bones, words can sometimes hurt us. I remember running home from school in tears after being called 'Dumbo the Elephant' - this (to me at least) hurtful taunt applying not so much to my bulk or apparent stupidity but to the hugeness of my ears.

Being a relatively secure, Aussie-Rules supporting, white Anglo-Celtic male child in a suburb which boasted modest homes but had absolutely no flats let alone any Aboriginal inhabitants, I wasn't all that hurt by terms of abuse. This, of course, didn't, and does not apply to many others. Epithets, especially of racial, sexual, or religious abuse, can indeed emotionally hurt or wound those at whom they are directed. not think through its dreadful consequences.

But while this must be accepted, it is important to understand the implication of what is a relatively new phenomenon - and that is a gathering tendency to blur the distinction between words and physical violence, and instead to argue that hurtful words and ideas are actually a form of violence. Thus 'offensive' words are categorised as an assault - as in the phrase 'verbal harassment' or more tellingly 'assaultative speech'.

An integrally connecting notion, which is also rapidly gaining prominence, is that the utterance of such words and ideas should be proscribed, the (potential) utterers *banned*, and the perpetrators of such hurtful or offensive speech punished.

While the commandment "Thou shalt not hurt another individual or group with words" may on the face of it sound admirable, in fact it is extremely threatening to critical inquiry, which is a lynch-pin of the liberal-democratic system. As Jonathan Rauch argues, in *Kindly Inquisitors: The New Attacks on Free Thought* (University of Chicago Press, 1993), "This moral principle is deadly - inherently deadly, not incidentally so - to intellectual freedom and to the productive and peaceful pursuit of knowledge". The injunction not to inflict harm by words is deeply antagonistic to free speech, free thought and critical inquiry. What Rauch calls "the new sensitivity", which would regulate criticism and utterance on the grounds of preventing hurt or offences, he argues, the old Inquisitorial authoritarianism in disguise. It is just as noxious, if not more so, being cloaked in the guise of compassion. Almost always, its advocates do not think through its dreadful consequences.

It is important to insist that talk of words as weapons must be seen to be metaphor. It is crucial to maintain the distinction between words and weapons. You do not have to be Immanuel Kant, as Rauch explains, "to see what comes after 'offensive words are bullets': if you hurt me with words, I reply with bullets, and the exchange is even ... If you are inclined to equate verbal offence with physical violence think again about the logic of your position. If hurtful opinions are violence, then painful criticism is violence ... What do you do about violence? You establish policing authorities -public or private - to stop it and to punish the perpetrators. You set up authorities empowered to weed out hurtful ideas and speech". Or in the case of Salman Rushdie you sentence him, and the translators of *The Satanic Verses* , to death.

The Ayatollah Khomeini, who placed the *fatwa* on Rushdie for writing "in obscene and blasphemous opposition to Islam, the prophet and the Koran", once said in an interview (1979) "I do know that, during my long lifetime, I have always been right about what I said". Although I would not wish to push any personal resemblances, in this breathtakingly fundamentalist certainty the Ayatollah isn't all that far removed, in principle, from modern westerners, however well-meaning, who wish to stop others causing pain and hurt and offence with their evil words and ideas. One of the many problems with this position is that 'evil' is often in the ear and eye of the hearer/ beholder.

Once you suppress one form of offensive utterance the way is open to suppress another. As Saul Bellow put it fictively. "Everyone knows there is no fineness of accuracy of suppression. If you hold one thing down you hold down the adjoining".

Let us not beat about the bush. Salman Rushdie's satire was deeply insulting and offensive to a great many Muslims. To them it *did* undoubtedly cause emotional hurt and suffering. As liberal-democrats we need to admit that truth and yet argue that this is the price we must pay for freedom of expression; that people do *not* have a right not to be offended, that they do *not* have a right to seek punishing vengeance for the hurt and anger and pain caused by another's words.

But Rushdie's *fatwa*, with very few exceptions, produced no such honest response. Hence there was no clear and principled defence of Rushdie's freedom of expression which must include the freedom to offend.

Without the freedom to offend, freedom of expression ceases to exist. currently in Australia satire, with its multi-faceted potentialities for enlightenment, advance and offence is under threat by well-meaning legislation, including anti-racial vilification, anti-sexist and anti-ageist legislation. Yet, it is any good, satire must and should offend. As Mort Sahl taught me, the true satirist should have a go at everyone - especially oneself. No group or individual should be barred. But try telling that to the thought-police.

There is concerted move to blackball the discussion of certain ideas and issues by saying, as Dr Hewson recently said of Tim Fischer, that such discussion is 'not helpful', or is 'inappropriate' or 'divisive', or else by labelling the speaker 'racist' or 'fascist' or 'reactionary' or by suggesting that 'one shouldn't be discussing this', which is all very different from arguing whether or not the propositions put forward are or are not true.

There is also a concerted move to outlaw the use of certain *words* which are held to be offensive. When I was a child, my mother and my auntie, both called Edna, enjoined me "Don't use language". A similar injunction is beginning to apply to certain terms of alleged abuse. One of the difficulties with such regulation is that such words or terms of derision (black, queer, etc.) are often turned upside down by minority groups to become words of pride and political mobilisation, such as the use of 'Queer Nation' or 'Black is Beautiful'. Here in Australia, with the rise of the Melanesian self-determination movement, do not be surprised if in ten years' time the current obscene term 'Kanaka' is adopted by the Melanesians themselves.

In the 1950s and 1960s political correctness was fundamentally of the right. Now much of the impetus comes from what should be our most progressive forces. Thus, many of our tertiary institutions, which should be in the forefront of promoting freedom of expression and critical inquiry, are instead in the forefront of establishing bureaucratic codes of regulation and inculcating conformity.

In some of our universities, which ought to have an intellectual obligation to cultivate rather than curtail criticism, increasingly students and staff are afraid to say anything about controversial topics lest they be misconstrued.

Rather than regulating, obstructing or banning from speech those individuals who promulgate unpopular ideas, what we should be doing is encouraging widespread discussion, examination and debate so that those ideas can be criticised and if necessary repudiated. We ought adopt the position attributed to Voltaire, that seasoned opponent

of humbug, puritanism and other attacks on free thinking, "I disapprove of what you say but I will defend to the death your right to say it".

Any attempt to exercise political control over knowledge and the expression of belief is reprehensible, as is any suppression of speech and criticism no matter how ill-informed those ideas may be. That is why it is crucial that creationists and revisionist German historians and white supremacists also be granted their entitlement to *speak*, as long as they do not commit or cause actual physical violence.

While one American university (Connecticut) has already adopted rules punishing students for the use of "derogatory names, inappropriately directed laughter, inconsiderate jokes and conspicuous exclusion of certain students from conversation", as *The Australian* reported last year, Adelaide University is seriously considering an anti-racial policy that will scrutinise curricula for "cultural insensitivities that are the result of historically Euro centric views". Good intention no doubt, but disastrous in its consequences.

There are indeed many forces, apart from outright censorship, acting to restrict public debate in the west, including Australia. That is why a few months ago a group of us including the libertarian-lesbian Margaret Bateman, ex AAP Reuters journalist Lorann Downer, journalist Phil Dickie now with the Queensland Criminal Justice Commission, columnist and broadcaster Phillip Adams, Professor Paul Wilson and myself formed the Voltaire Institute.

Believing in the crucial importance to a liberal democracy of free speech and freedom of inquiry, one of the aims of the Voltaire Institute is to staunchly defend the rights of individuals and groups, in this country and overseas, to promulgate ideas no matter how unpopular.

Things change. Once it was politically correct to believe in witches, now it is politically correct in *not* to believe in witches. Even in our own lifetime we have seen a number of scientific and intellectual orthodoxies come and go.

I am passionate about many things - about the destructive effect of alcoholism and other forms of drug addiction about the curse of large-scale structural unemployment, about flogging off our pristine wilderness areas overseas. But of all things I am passionate about the free flow of ideas and doing what I can to ensure that research, criticism, inquiry and utterance on any topic, however controversial, using speech-forms no matter how unpopular, should not be impeded.

From this perspective aborting ideas is a much worse crime than aborting foetuses.

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